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Counsel of record

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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH OF THE) Case No.: CO7-03605-PJH-JCS
FOURSQUARE GOSPEL,)

) **PLAINTIFFS' NOTICE OF**
) **APPLICATION AND**
) **APPLICATION FOR A**
) **PRELIMINARY INJUNCTION**

v.)

)
)
) CITY OF SAN LEANDRO, TONY)
) SANTOS (in his official capacity),)
) SURLENE G. GRANT (in her official)
) capacity), DIANA M. SOUZA (in her)
) official capacity), JOYCE R.)
) STAROSCIACK (in her official)
) capacity), BILL STEPHENS (in his)

Date: September 5, 2007

Time: 9:00 a.m.

Ctrm: 3

Hon.: Phyllis J. Hamilton

1 official capacity), JIM PROLA (in his)
2 official capacity), JOHN JERMANIS (in)
3 his official and individual capacities),)
4 DEBBIE POLLART (in her official and)
5 individual capacities), DOES 1-50,)
6 Defendants.)

6 FAITH FELLOWSHIP FOURSQUARE
7 CHURCH,

8 Real Party in Interest.

10 **NOTICE OF APPLICATION FOR PRELIMINARY INJUNCTION**

12 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

13 PLEASE TAKE NOTICE that on September 5, 2007, at 9:00 a.m., or as soon
14 thereafter as this matter can be heard in Courtroom 3 of this court located at 450
15 Golden Gate Ave., San Francisco, CA, 94102, Plaintiff, International Church of the
16 Foursquare Gospel and Real Party in Interest, Faith Fellowship Foursquare Church,
17 by and through their counsel, will apply for an order to preliminarily enjoin the
18 Defendants, City of San Leandro, Tony Santos, Surlene G. Grant, Diana M. Souza,
19 Joyce R. Starosciack, Bill Stephens, Jim Prola, John Jermanis, Debbie Pollart, from
20 preventing Plaintiff and Real Party in Interest from using the real property located at
21 14600 and 14850 Catalina Street, in the City of San Leandro, CA, for religious
22 purposes.
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Specifically, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff and Real Party in Interest will apply to the Court for an order to preliminarily enjoin the Defendants and all of the City's officials, employees, agents, assigns and all those working in concert with the City of San Leandro from the following:

1. preventing International Church of the Foursquare Gospel and Faith Fellowship Foursquare Church from using the real property located at 14600 and 14850 Catalina Street, in the City of San Leandro, CA, for religious assembly purposes until a final determination on the merits is issued in this case; and,
2. further delaying the processing of the conditional use permit application by International Church of the Foursquare Gospel and Faith Fellowship Foursquare Church for religious assembly purposes, while this case is pending, for the real property located at 14600 and 14850 Catalina Street, in the City of San Leandro, CA.
3. using any criteria, in processing of the conditional use permit application, that would not be applied to any nonreligious assembly for the real property located at 14600 and 14850 Catalina Street, in the City of San Leandro, CA.

This request for a preliminary injunction is based upon this notice of application and application, the PLAINTIFF AND REAL PARTY IN INTEREST'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION FOR A PRELIMINARY INJUNCTION; PLAINTIFF AND REAL PARTY IN INTEREST'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, PLAINTIFF AND REAL PARTY IN INTEREST'S

1 REQUEST FOR JUDICIAL NOTICE, the DECLARATIONS OF: PETER
2 MACDONALD, GARY MORTARA, DAVE MORTARA, MATT LACEY,
3 CASEY LEE, ALCIA SWINDERMAN, BARBARA CABRERA, CATALINA
4 VAUGHN, JOSEPHINE DEL RIO, RAUL RICO, PAUL GANTT, DANIEL
5 BRIGGS; upon all the papers, records, exhibits and documents on file herein, and
6 upon evidence, oral and documentary, which have, or may be submitted on the
7 hearing on these matters.
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10 Dated: July 30, 2007
11

12 /S/ Kevin Snider
13 Kevin T. Snider
14 Matthew B. McReynolds
15 Peter D. MacDonald
16 Attorneys for Plaintiff and Real Party
17 in Interest
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APPLICATION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure Plaintiff, International Church of the Foursquare Gospel and Real Party in Interest, Faith Fellowship Foursquare Church, by and through their counsel, hereby applies for an order to preliminarily enjoin the Defendants, City of San Leandro, Tony Santos, Surlene G. Grant, Diana M. Souza, Joyce R. Starosciack, Bill Stephens, Jim Prola, John Jermanis, Debbie Pollart, and all of the City's officials, employees, agents, assigns and all those working in concert with the City of San Leandro from the following:

1. preventing International Church of the Foursquare Gospel and Faith Fellowship Foursquare Church from using the real property located at 14600 and 14850 Catalina Street, in the City of San Leandro, CA, for religious assembly purposes until a final determination on the merits is issued in this case; and,
2. further delaying the processing of the conditional use permit application by International Church of the Foursquare Gospel and Faith Fellowship Foursquare Church for religious assembly purposes, while this case is pending, for the real property located at 14600 and 14850 Catalina Street, in the City of San Leandro, CA.
3. using any criteria, in processing of the conditional use permit application, that would not be applied to any nonreligious assembly for the real property located at 14600 and 14850

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Catalina Street, in the City of San Leandro, CA.

Dated: July 30, 2007

/S/ Kevin Snider

Kevin T. Snider

Matthew B. McReynolds

Peter D. MacDonald

Attorneys for Plaintiff and Real Party
in Interest

CERTIFICATE OF SERVICE

Case No: CO7-03605-PJH-JCS

I hereby certify that on July 30, 2007, I electronically filed and served the documents listed below with the Clerk of the Court using the CM/ECF system which, pursuant to local rules, will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

/S/ Kevin Snider

Kevin T. Snider

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1. PLAINTIFFS' NOTICE OF APPLICATION AND APPLICATION FOR A PRELIMINARY INJUNCTION
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION FOR PRELIMINARY INJUNCTION
3. PLAINTIFF AND REAL PARTY IN INTEREST'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
4. PLAINTIFF AND REAL PARTY IN INTEREST'S REQUEST FOR JUDICIAL NOTICE
5. DECLARATION OF FAITHKIDZ MINISTRY DIRECTOR ALICIA SWINDERMAN IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
6. DECLARATION OF BARBARA CABRERA IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
7. DECLARATION OF FAITHKIDZ MINISTRY DIRECTOR CASEY LEE IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
8. DECLARATION OF FAITH FELLOWSHIP FOOD MINISTRY DIRECTOR CATALINA VAUGHN IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
9. DECLARATION OF PARKING DIRECTOR DAVE MORTARA IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
10. DECLARATION OF SENIOR PASTOR GARY MORTARA IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
11. DECLARATION OF YOUTH PASTOR MATT LACEY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
12. DECLARATION OF PAUL GANTT IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

13. DECLARATION OF CELEBRATE RECOVERY DIRECTOR RAUL RICO IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
14. DECLARATION OF JOSEPHINE DEL RIO IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
15. DECLARATION OF PETER MACDONALD IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
16. DECLARATION OF DANIEL BRIGGS IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
17. [PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION
18. Exhibit A Index
19. Exhibit A §a
20. Exhibit A §a(1)
21. Exhibit A §a(2)
22. Exhibit A §a(3)
23. Exhibit A §a(4)
24. Exhibit A §c(1)
25. Exhibit A §d(2)
26. Exhibit A §e(1)
27. Exhibit A §e(3)
28. Exhibit A §f
29. Exhibit A §g(1)
30. Exhibit A §g(2)
31. Exhibit A §g(3)
32. Exhibit A §h(1)
33. Exhibit A §i(3)
34. Exhibit A §j(1)
35. Exhibit A §j(2)
36. Exhibit A §j(3)
37. Exhibit A §k(1)
38. Exhibit A §k(2)
39. Exhibit A §k(3)
40. Exhibit A §k(4)
41. Exhibit A §k(5)
42. Exhibit A §l
43. Exhibit A §m(1)
44. Exhibit A §m(2)
45. Exhibit A §m(3)
46. Exhibit A §n(1)
47. Exhibit A §n(2)
48. Exhibit A §n(3)
49. Exhibit A §n(4)
50. Exhibit A §n(6)
51. Exhibit A §o(1)
52. Exhibit A §o(2)
53. Exhibit A §o(3)
54. Exhibit A §o(4)
55. Exhibit A §o(5)
56. Exhibit A §o(6)
57. Exhibit A §p
58. Exhibit A §q
59. Exhibit B
60. Exhibit C
61. Exhibit D
62. Exhibit E

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- Kevin Snider
kevinsnider@pacificjustice.org
- Matthew McReynolds
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- Peter MacDonald
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